

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SOFTMART, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:05CV285 RWS
)	
SOFTWARE PLUS, LTD.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The purpose of this Order is to clarify the procedural status of this case. On November 22, 2005, the Court received an ADR Compliance Report that indicated that the parties achieved a settlement. However, the ADR Compliance Report did not indicate that no settlement was achieved between Counter Claimant Software Plus, Ltd., and Counter Defendant Richard Pogue. The only settlement is between the corporate parties. Because the ADR Compliance Report indicated that all of the parties had settled, I issued an Order on November 29, 2005, denying without prejudice all of the pending motions and ordering the parties to submit their dismissal papers within thirty days of the Order. However, because no settlement has been achieved between Software Plus and Richard Pogue, I will amend the November 29, 2005, Order nunc pro tunc so that Software Plus's motion for default judgment against Richard Pogue is still pending, and only the corporate defendants

are required to submit their dismissal papers in accordance with the Order.

Additionally, I will schedule a hearing on the motion for default judgment.

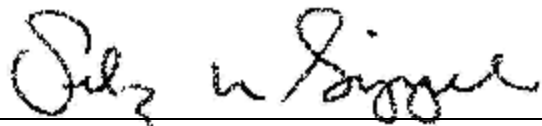
Accordingly,

IT IS HEREBY ORDERED that my November 29, 2005, Order [#61] is amended in accordance with this Memorandum and Order.

IT IS FURTHER ORDERED that the Clerk list Software Plus's Motion for Default Judgment Against Richard Pogue [#58] as pending on the docket sheet.

IT IS FURTHER ORDERED that a hearing will be held on Software Plus's Motion for Default Judgment Against Richard Pogue on **December 15, 2005, at 1:30 p.m.** in Courtroom 10 South.

Dated this 1st Day of December, 2005.

A handwritten signature in dark ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE